

AMENDED IN ASSEMBLY APRIL 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 864**

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**Introduced by Assembly Member Williams**

February 26, 2015

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An act to add *and repeal* Section 44002.1 ~~to~~ of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 864, as amended, Williams. Solid waste facilities: temporary permits.

(1) The California Integrated Waste Management Act of 1989, which is administered by the Department of Resources Recycling and Recovery, prohibits a person from operating a solid waste facility without a solid waste facilities permit if that facility is required to have a permit pursuant to the act. The enforcement agency is required to immediately issue a cease and desist order ordering a solid waste facility that is operating without a permit to immediately cease operations and to direct the owner or operator of the facility to obtain a permit.

This bill would ~~require~~ *require, until January 1, 2025*, the department to adopt regulations to authorize an enforcement agency, upon the department's approval, to issue a temporary solid waste facilities permit to a person carrying out solid waste operations at a facility that is required under the act to have a solid waste facilities permit, but for which a permit has not been obtained. The bill would require the regulations to direct any person desiring to obtain a temporary solid waste facilities permit to submit an application to the enforcement agency no later than 60 days from the date it is determined by the enforcement agency that a permit is required. The bill would require

the owner or operator of a facility covered under a temporary permit to agree to inspections, at least monthly, by the enforcement agency.

The bill would require a local enforcement agency to notify the operators of all facilities within its jurisdiction of the availability of temporary solid waste facilities permits, thereby imposing a state-mandated local program by imposing new duties upon local enforcement agencies. The bill would also require the department to ~~expeditiously~~ review and act on a proposed temporary solid waste facilities ~~permit~~. *permit submitted by an enforcement agency within 30 days of that submission.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 44002.1 is added to the Public Resources
- 2 Code, to read:
- 3 44002.1. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) The swift advance of new trends in solid waste handling and
- 6 collection practices, such as single-stream collection of recyclable
- 7 materials, including, but not limited to, carpet, mattresses, and
- 8 other materials, has resulted in the regulations adopted by the
- 9 department that govern solid waste facilities not keeping pace with
- 10 those trends, leading to the failure to comply with existing law by
- 11 a substantial number of persons carrying out solid waste handling
- 12 activities.
- 13 (2) As cities and counties make greater efforts to increase the
- 14 diversion of solid waste from landfills, the department anticipates
- 15 that many new recycling and solid waste handling activities will
- 16 commence in California in the next decades.
- 17 (3) To address these trends, it is necessary to provide a
- 18 temporary permitting scheme to enable the operators of existing

1 solid waste facilities to obtain temporary permits more quickly  
2 than is possible under existing law, in order to protect the public  
3 health and safety, and the environment.

4 (b) The department shall adopt regulations pursuant to  
5 subdivision (d) to authorize an enforcement agency, upon the  
6 department's approval, to issue a temporary solid waste facilities  
7 permit to a person operating a solid waste facility that is required  
8 under this division and the regulations adopted by the department  
9 pursuant to this division to obtain a solid waste facilities permit,  
10 but for which a permit has not been obtained. The regulations  
11 adopted by the department shall specify all of the following:

12 (1) A requirement that a person desiring to obtain a temporary  
13 solid waste facilities permit submit a complete and correct  
14 application for the permit to the enforcement agency having  
15 jurisdiction no later than 60 days from the date the enforcement  
16 agency determines a solid waste facility permit is required.

17 (2) The period of time during which a temporary solid waste  
18 facility permit shall remain effective.

19 (3) The types and operational status of solid waste facilities that  
20 ~~will be~~ *are* eligible to obtain a temporary solid waste facilities  
21 permit.

22 (4) A requirement that the owner or operator of a facility covered  
23 under a temporary solid waste facilities permit agree to allow the  
24 facility to be inspected, at least monthly, by the enforcement  
25 agency.

26 (c) (1) An enforcement agency shall ~~diligently~~ notify the  
27 operators of all solid waste facilities within its jurisdiction of the  
28 availability of temporary solid waste facilities permits under the  
29 regulations adopted pursuant to this section.

30 (2) The department shall ~~expeditiously~~ review and act on a  
31 proposed temporary solid waste facilities permit submitted to it  
32 by an enforcement agency for ~~approval~~. *approval within 30 days*  
33 *of that submission.* Upon the request of an enforcement agency,  
34 the department shall provide assistance to the enforcement agency  
35 to expeditiously process applications for temporary solid waste  
36 facilities permits.

37 (d) The regulations adopted by the department pursuant to this  
38 section may be adopted as emergency regulations and shall be  
39 considered by the Office of Administrative Law as necessary for  
40 the immediate preservation of the public peace, health and safety,

1 or general welfare. The department shall file the emergency  
2 regulations with the Office of Administrative Law at the earliest  
3 feasible date.

4 *(e) This section shall remain in effect only until January 1, 2025,*  
5 *and as of that date is repealed, unless a later enacted statute, that*  
6 *is enacted before January 1, 2025, deletes or extends that date.*

7 SEC. 2. If the Commission on State Mandates determines that  
8 this act contains costs mandated by the state, reimbursement to  
9 local agencies and school districts for those costs shall be made  
10 pursuant to Part 7 (commencing with Section 17500) of Division  
11 4 of Title 2 of the Government Code.